Exhibit 1
Declaration Under 37 C.F.R. § 1.132

PATENT
Customer No. 22,852
Attorney Docket No. 03806.0046-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Hervé BOUCHARD et al.	Group Art Unit: 1625
Application No.: 08/162,984	Examiner: B. Trinh
Filed: December 8, 1993	
For: TAXOIDS, THEIR PREPARATION AND PHARMACEUTICAL COMPOSITIONS CONTAINING THEM	Confirmation No.: 4803

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

I, Marie-Christine BISSERY, do hereby make the following declaration:

1. I am a citizen of France, residing at 5 rue Henri Poincaré, Vitry Sur Seine, France.

2. I am currently the Senior Director, Experimental Therapeutics at sanofi-aventis, Vitry sur Seine, France. I have worked in the fields of oncology, experimental therapeutics, and drug discovery and development at sanofi-aventis, or its corporate predecessors, since 1988.

3. My educational experience supports my expertise in these fields and is detailed in my attached curriculum vitae. Briefly, I completed a postdoctoral position at the Michigan Cancer Foundation, in Detroit, MI. I received a Ph.D. in Pharmaceutical

Sciences, an M.Sc. in Industrial Pharmacy, and a doctorate in Pharmacy, all from the Université de Paris XI, Paris, France.

4. During my career, spanning more than 20 years, I have lectured around the world and published extensively in the fields of drug discovery, oncology, and experimental therapeutics, including more than 70 publications, 130 abstracts, and over 100 presentations, which are delineated in the attached curriculum vitae.

5. I have reviewed Application Serial No. 08/162,984 (hereafter "the instant Bouchard application"), and I have been informed that the named inventors are Herve Bouchard, Alain Commercon, and Jean-Dominique Bourzat. I am aware that the instant Bouchard application discloses cyclopropyl taxanes, but I did not work at all with any of those inventors in the chemical design or chemical synthesis of those cyclopropyl taxanes. I am the sole inventor of the invention disclosed and claimed in U.S. Patent No. 6,441,026 B1 (hereafter "the '026 patent). My invention disclosed and claimed in the '026 patent was made independently and separately from the work reflected in the Bouchard application. That is not surprising because Drs. Bouchard, Commercon, and Bourzat are all synthetic chemists, whereas I am a pre-clinical pharmacologist, and I work in a different department of the company from them.

6. The first disclosure of my test results of a cyclopropyl taxane with other anticancer agents was in the final continuation-in-part application (Serial No. 09/813,018) filed March 21, 2001 which resulted directly in my '026 patent. My '026 patent claims priority to a number of patent applications. But, all of those priority applications disclose only test results of Taxotere® with other anticancer agents. There

was no disclosure in those priority applications of cyclopropyl taxane with any anticancer agent.

7. I have also been made aware that the instant Bouchard application was placed in interference with a BMS patent in 1995 in the United States Patent and Trademark Office, and that the interference lasted until October 2003. While the interference was pending in its latter stages, I independently tested one of the cyclopropyl taxanes of the instant Bouchard application in combination with other anticancer agents and filed the continuation-in-part application referenced above. While the interference was still pending, the continuation-in-part application was issued as the '026 patent on August 27, 2002.

8. I attended an interview with Examiner Trinh on February 2, 2005. As explained at the interview and set forth in Exhibit A, page 8, when one skilled in the art decides to test a new combination of anticancer agents, there is no way to know a priori the activity result of combination. There are four possibilities:

(1) Activity and Synergism

(2) Activity and No Synergism

(3) Antagonism in Activity

(4) Antagonism and no Activity

Results 1 and 2 are desirable. Results 3 and 4 are undesirable.

9. Thus, at the time I first tested the cyclopropyl taxane with another anticancer agent, one skilled in the art could not have reasonably expected from the prior art, such as WO 94/13654, W0 94/10995, and ROWINSKY, E. et al., "Sequences

of Taxol and Cisplatin: A Phase I and Pharmacologic Study," J. of Clin. Oncology, Vol. 9, pp. 1692-1703 (1991), which of the four results would have been obtained.

10. As further discussed at the interview and as reflected in Exhibit B, my practical experience is consistent with that unpredictability. For example, as seen in Exhibit B, when Taxotere® and cyclopropyl taxane were each respectively tested with 5-fluorouracil and doxorubicin, differing results, characterized in Exhibit B as Outcomes 1, 2 and 3, were obtained. Further, Exhibit B makes clear that with 5-fluorouracil, Taxotere® achieved a better activity result whereas with doxorubicin, the cyclopropyl taxane achieved a better result.

11. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: February 2, 2005

By: _____
Marie-Christine BISSERY